

Message Text

SECRET

PAGE 01 STATE 303709
ORIGIN NEA-10

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-----116260 211535Z /43

R 211515Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY ALGIERS
INFO USMISSION USUN NEW YORK
AMEMBASSY BONN

S E C R E T STATE 303709

E.O. 11652: GDS

TAGS: PGOV AG GW

SUBJECT: ALGERIAN HIJACKING POLICY

REF: (A) STATE 278905, (B) ROSENSTOCK/HESTER TELECON OF
NOVEMBER 30, (C) STATE 290399

1. SINCE USUN HAS NOT RPT NOT BEEN ABLE TO CONTACT
SAHNOUN THROUGH ALGERIA'S UN MISSION, EMBASSY ALGIERS IS
REQUESTED TO CARRY OUT SOONEST INSTRUCTIONS CONTAINED
REF A DIRECTLY WITH GOA. ALSO REQUEST ANY INFORMATION
ABOUT DISPOSITION OF JAL HIJACKERS, HOSTAGES AND RANSOM.
(FYI: AMERICAN BANKER REPORTED TO DEPARTMENT THAT
ALGERIAN DCM HAD TOLD HIM ON DECEMBER 7 THAT 6 HIJACKERS

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STILL BEING HELD IN ALGERIA. END FYI.)

2. FURTHERMORE, EMBASSY SHOULD SEEK GOA INTERPRETATION OF
HOW EXISTING ALGERIAN LAW ON INTERNATIONAL TERRORISM
RELATES TO JAL CASE AND CURRENT GOA HIJACKING POLICY.
(BEGIN FYI: ALGIERS A-004 OF JANUARY 22, 1974, REPORTED
AND PROVIDED TEXT OF ALGERIAN ANTI-HIJACKING LAW WHICH

WAS ADOPTED DECEMBER 14, 1973, AND BECAME ARTICLE 417 BIS OF ALGERIAN PENAL CODE. WITH REGARD TO PRINCIPLE OF POLITICAL ASYLUM, WHICH GOA CONTINUED TO RECOGNIZE BUT

WHICH WAS NOT RPT NOT MENTIONED IN NEW LEGISLATION, EMBASSY REPORTED ON BASIS OF CONVERSATION WITH FOREIGN MINISTRY OFFICIAL THAT IT WAS NOT CLEAR HOW LAW WOULD BE APPLIED IN HIJACKING CASES WHICH ALSO RAISED POLITICAL ASYLUM ISSUE. ALGIERS A-58 OF NOVEMBER 1, 1974, PROVIDED ADDITIONAL INFORMATION ON ALGERIAN LAW AND POLICY CONCERNING INTERNATIONAL TERRORISM, INCLUDING REPORT GOA FELT NO URGENCY TO ADHERE TO 1963 TOKYO, 1970 HAGUE, OR 1971 MONTREAL CONVENTIONS BECAUSE OF ITS TOUGH LEGISLATION AGAINST AIRCRAFT HIJACKING. IT WAS EMBASSY JUDGEMENT, HOWEVER, THAT GOA WOULD NORMALLY HANDLE ACT OF INTERNATIONAL TERRORISM AS POLITICAL RATHER THAN LEGAL MATTER. DURING OCTOBER JAL HIJACKING, ALGERIAN DCM IN WASHINGTON HAD MENTIONED TO DESK OFFICER HESTER THAT ALGERIA HAD ENACTED HIJACKING LAW WITH STIFF PENALTIES

SEVERAL YEARS EARLIER, BUT DEPARTMENT NEVER HEARD ANY FURTHER MENTION OF THIS LAW DURING OR AFTER HIJACKING. END FYI.)

3. EMBASSY SHOULD ALSO OBTAIN AND PROVIDE DEPARTMENT WITH TEXTS OF ANY ALGERIAN LAWS, OTHER THAN 1973 LEGISLATION, SECRET

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PERTAINING TO PROSECUTION OF INDIVIDUALS OR GROUPS WHO COMMIT ACTS OF INTERNATIONAL TERRORISM SUCH AS AIRCRAFT HIJACKING (COVERED UNDER HAGUE CONVENTION), AIR SABOTAGE (COVERED UNDER MONTREAL CONVENTION), ACTS AGAINST INTERNATIONALLY PROTECTED PERSONS (COVERED UNDER 1976 UN CONVENTION ON SUBJECT), OR ANY OTHER FORMS OF TERRORISM DEFINED UNDER ALGERIAN LAW.

4. UNDERSTANDING OF CURRENT ALGERIAN POSITION ON INTERNATIONAL TERRORISM WILL BE RELEVANT TO SECRETARY VANCE'S SCHEDULED JANUARY 23 APPEARANCE BEFORE SENATE GOVERNMENT AFFAIRS COMMITTEE, WHICH WILL BE HOLDING HEARINGS ON RIBICOFF OMNIBUS ANTI-TERRORISM BILL THAT INCLUDES SANCTIONS AGAINST COUNTRIES "WHICH HAVE BEEN FOUND TO HAVE WILLFULLY CONTRIBUTED TO, AIDED, ABETTED, FACILITATED, OR ASSISTED IN THE PLANNING, EXECUTION, OR COMMISSION OF ANY ACT OF TERRORISM WHICH AFFECTS OR INVOLVES CITIZENS OF THE UNITED STATE, OR WHICH GRANTS SAFE HAVEN OR SANCTUARY FROM PROSECUTION TO THE PERPETRATORS OF SUCH ACT....".

5. WE ALSO LOOK FORWARD TO POST'S RESPONSE TO REF C.

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Message Attributes

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